

## **BILL ANALYSIS**

H.B. 1927  
By: Hull  
Youth Health & Safety, Select  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In an apprehension by a peace officer without warrant, often referred to as an emergency detention or a mental health hold, an officer may take a person into custody if the officer has reason to believe that the person has a mental illness and is a substantial risk of serious harm to themselves or others unless immediately restrained and there is not time to obtain a warrant. The officer must immediately transport the apprehended person to a mental health facility and file a notification of detention with the facility. This emergency detention applies equally to adults and children, and does not include any provision for parental notification or involvement, even when the emergency detention is initiated at school.

A parent's right to care for their child should not be superseded by a peace officer's decision to initiate an emergency detention. In these situations, a parent should have the right to be notified and take custody of their child and voluntarily seek treatment or services for the child from a provider of the parent's choice. H.B. 1927 seeks to provide for this notification and to grant a parent who is made aware that their child is being placed under an emergency detention the right to take custody of their child.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1927 amends the Health and Safety Code to grant a parent, guardian, conservator, or other person standing in parental relation to a child younger than 18 years of age who is made aware that the child is being placed under a mental health-related emergency detention the right to take custody of the child. The bill authorizes the person to then voluntarily seek treatment or services for the child from a provider of the person's choice. The bill prohibits a peace officer, including a public school district peace officer, from placing a child under such an emergency detention without first attempting to contact the child's applicable person standing in parental relation and informing the person about these rights. The bill requires an officer who transports a child to a facility following an emergency detention to include a statement describing their attempt to contact the child's applicable person standing in parental relation in the emergency detention form that the officer files with the facility as a notification of detention. Additionally, if the transporting officer is a school district peace officer, the officer must also document the contact attempt in the child's student records and the district must forward a copy of the applicable records to any person standing in parental relation to the child.

H.B. 1927 prohibits a peace officer from using handcuffs, electrical devices, chemical agents, or any other similar devices intended for use in the control or management of detainees to apprehend a child 10 years of age or younger for a mental health-related emergency detention. The bill requires a peace officer who takes a person into custody for such an emergency detention to use age-appropriate trauma-informed practices in responding to the situation.

H.B. 1927 applies only to the apprehension for an emergency detention that occurs on or after the bill's effective date.

**EFFECTIVE DATE**

September 1, 2023.